THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16195 OF 1995

DATE: 17-3-2006

Between:

1. Maganti Vijaya Kumar and another … Petitioner

and

1. The Personnel Officer, APSRTC

Srikakulam and 3 others …. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16195 OF 1995

ORAL ORDER:

Questioning the office order dated 14.7.1995, whereunder certain drivers including the petitioners herein were directed to be relieved and asked to report at the respective depots, the present writ petition is filed.

Petitioners would contend that they are attached to depots 1 and 2 at Srikakulam, that during the slack season, some of the employees of Srikakulam depots on being

found surplus were transferred to other depots. They are said to have protested to such transfers contending that there were other drivers who had stayed longer than them at Srikakulam and excluding those long standing drivers, from transfer was illegal and they could not alone be picked up for being transferred. Petitioners would allege that yielding to these protests, the respondents issued the proceedings dated 14.7.1995 (wrongly typed as 7.7.1995) transferring 15 drivers to Palasa, Tekkali and Palakonda, other than those who had been earlier transferred by proceedings dated 3.7.1995, except three drivers.

Respondents, in their counter affidavit, would state that transfers are effected based on slack and peak seasons every year and that during the peak season, employees from other depots are brought into the depots where there is greater demand for vehicles and drivers, and during the slack season, employees are transferred to other depots.

This Court initially granted interim suspension of the orders of transfer and extended it periodically. However, no extension was granted after 1995. Ten years have elapsed since then and since these periodical transfers, based on slack and peak season each year, would have undoubtedly resulted in the petitioners being posted at Srikakulam Depot and elsewhere, subsequent to the filing of the writ petition, the cause in the writ petition, does not survive.

The writ petition is accordingly dismissed. No costs.

_____

17-03-2006

asp